UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO WESTERN DIVISION

UNITED STATES OF AMERICA, : Case No. 3:06-cr-154

Plaintiff, : Judge Timothy S. Black

Magistrate Judge Michael R. Merz

VS.

:

THOMAS L. MCCAULEY,

:

Defendant.

DECISION AND ENTRY ADOPTING THE REPORT AND RECOMMENDATIONS OF THE MAGISTRATE JUDGE (Doc. 126) AND DISMISSING DEFENDANT'S MOTION (Doc. 125) WITHOUT PREJUDICE

This case is before the Court on the Report and Recommendations of United States

Magistrate Judge Michael R. Merz. (Doc. 126). The Magistrate Judge recommends that

Defendant's Motion to Correct its Lack of Sentencing Authority and to Correct its Judgment and

Commitment Order (Doc. 125) be dismissed without prejudice for lack of subject matter

jurisdiction. Defendant did not file any objection to the Report and Recommendations and the

time for doing so has expired.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered the issues presented *de novo*. Based on that review, the Court **ADOPTS** the Report and Recommendations (Doc. 126) in its entirety and **DISMISSES** Defendant's Motion (Doc. 125) **WITHOUT PREJUDICE**.

IT IS SO ORDERED.

Date: 1/21/14

Timothy S. Black

United States District Judge